

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

DENNIS J. DILLARD, )  
Petitioner, )  
v. ) No. 1:02-CR-167-TRM-SKL-1  
UNITED STATES OF AMERICA, ) 1:16-CV-286-TRM  
Respondent. )

**MEMORANDUM OPINION**

Federal prisoner Dennis J. Dillard (“Petitioner”) filed for post-conviction relief pursuant to 28 U.S.C. § 2255 on March 20, 2007 (Doc. 60; E.D. Tenn. Case No. 1:07-cv-74-CLC).<sup>1</sup> The Court denied that motion on April 30, 2008. (Docs. 71, 72.) Thereafter, Defendant filed at least one additional petition attacking the same conviction (Docs. 97, 98, 101; E.D. Tenn. Case No. 1:15-cv-267-CLC). On June 25, 2016, Defendant, through counsel, filed a third motion attacking the same criminal conviction—this time relying on *Johnson v. United States*, 135 S. Ct. 2551 (2015). (Doc. 104.) Review leads the Court to conclude counsel intended the filing to reach the Sixth Circuit as motion for leave to file a successive petition.

Under the “Antiterrorism and Effective Death Penalty Act of 1996,” Petitioner cannot file a second or successive § 2255 petition in the District Court until he has moved in the United States Court of Appeals for the Sixth Circuit for an order authorizing the District Court to consider the motion. 28 U.S.C. § 2255(h). No such order has been received by this Court.

---

<sup>1</sup> Each document will be identified by the Court File Number assigned to it in the underlying criminal case: E.D. Tenn. Case No. 1:02-cr-167-TRM-SKL-1.

Accordingly, the Clerk will be **DIRECTED** to **TRANSFER** the filing (Doc. 104) to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 1631.

**SO ORDERED.**

*/s/ **Travis R. McDonough***

**TRAVIS R. MCDONOUGH**  
**UNITED STATES DISTRICT JUDGE**